

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANDREW HILFORD,

Case No. 3:12-cv-00329-MMD-WGC

Plaintiff,

v.

ORDER

CHRISTOPHER ROWLEY, et al.,

Defendant.

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb ("R&R") (dkt. no. 34) recommending the Court deny Plaintiff Andrew Hilford's motion to amend (dkt. no. 22).¹ Plaintiff filed an objection (dkt. No. 38) and Defendant filed a response (dkt. no. 41).

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v.*

¹The R&R recommends that the Court also grant Defendant's motion to dismiss (dkt. no. 24). However, Judge Cobb subsequently withdrew the portion of the R&R that recommends granting Defendant's motion to dismiss. (See dkt. no. 37.) Defendant's motion to dismiss was terminated and is no longer before the Court.


1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
5 district courts are not required to review "any issue that is not the subject of an
6 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Although Plaintiff filed an objection, Plaintiff does not take issue with the R&R's
11 recommendation as to his motion to amend. Plaintiff's objection states that "Plaintiff has
12 come to realize through diligence that the Court and Attorney General is correct about
13 the motion to amend so Plaintiff concedes the Court's recommendation to dismiss his
14 motion for leave to amend." (Dkt. no. 38 at 2.) Defendant's response states that "[t]he
15 parties are in agreement that the denial of Plaintiff's motion for leave to amend is
16 proper." (Dkt. no. 41 at 3.)

17 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
18 determine whether to adopt Judge Cobb's recommendation. Upon reviewing the R&R
19 and underlying briefs, this Court finds good cause to adopt the R&R's recommendation
20 regarding Plaintiff's motion to amend.

21 It is hereby ordered that the R&R (dkt. no. 34) be accepted and adopted as
22 modified by Judge Cobb's order withdrawing the portion of the R&R that recommends
23 granting Defendant's motion to dismiss (dkt. no. 37). Plaintiff's motion to amend (dkt. no.
24 22) is therefore denied.

25 DATED THIS 14th day of February 2014.

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27 _____
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE